

DECLARATION FOR PATENT APPLICATION

Attorney Docket No: M112 1071.1

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe:

- ☐ I am the original, first and sole inventor
☒ I am an original, first and joint inventor

of the subject matter which is claimed and for which a patent is sought on the invention entitled VERTEBRAL BODY REPLACEMENT AND METHOD OF USE, the specification of which:

- ☒ is attached hereto.
☐ was filed on _____ as Application Serial No. _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119 of any United States provisional patent application, foreign application(s) for patent or inventor's certificate listed below and/or any international priority benefits under Title 35, United States Code, § 365 based on the following foreign and/or international application(s) listed below, and also identify below any United States provisional patent application, foreign and/or international application(s) for patent or inventor's certificate having a filing date before that of the above-identified application(s) on which priority is claimed:

Prior Application Number(s)	Country	Filing Date
60/476,075	US	6/5/03
60/228,694	US	8/29/00
60/231,142	US	9/8/00

I hereby claim the benefit under Title 35, United States Code, §120 of any United States patent application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior Application(s) Number(s)	Country	Filing Date
09/941,040	US	8/28/01
09/947,851	US	9/6/01

I hereby appoint the following attorneys/agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: LOUIS T. ISAF Reg. No. 29,078; JAMES F. VAUGHAN Reg. No. 31,889; STEVEN D. KERR Reg. No. 32,472; D. SCOTT SUDDERTH Reg. No. 34,026; JOHN J. TIMAR Reg. No. 32,497; STEVEN L. SCHMID Reg. No. 39,358; DAVID J. HAYZER Reg. No. 43,329; DAVID S. BRADIN Reg. No. 37,783; CARL B. MASSEY, JR. Reg. No. 44,224; THOMAS B. MCGURK, Reg. No. 44,920; C. ROBERT RHODES, Reg. No. 24,200; JACK B. HICKS, Reg. No. 34,180; JEFFREY R. MCFADDEN, Reg. No. 46,916; LEWIS S. ROWELL, Reg. No. 45,469; and CRAIG H. POPALIS Reg. No. 49,028; DALE C. HOGUE, SR. Reg. No. 32,823; PAUL C. KIMBALL Reg. No. 34,601; IAN A. CALVERT Reg. No. 50,186; KEATS A. QUINALTY Reg. No. 46,426; NANDA K. ALAPATI Reg. 39,893; BARRY S. GOLDSMITH Reg. No. 39,690.

Provided that, should any one of the foregoing individuals cease to be associated with the firm Womble Carlyle Sandridge & Rice, PLLC, then any powers granted to that person are hereby revoked.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

First Inventor's Signature _____ Date: _____

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